



BOARD OF EXAMINERS FOR SOCIAL WORKERS
4600 Kietzke Lane. C121, Reno, Nevada 89502 775-688-2555

MINUTES OF BOARD MEETING
March 18, 2005

The meeting of the Board of Examiners for Social Workers was called to order by President Amy Ellwood at 9:06a.m. at the Community College of Southern Nevada, Cheyenne Campus, 3200 E. Cheyenne Blvd, Conference Room 2638 (Conference Room A), Las Vegas, Nevada There was a simultaneous videoconference conducted at the University of Nevada, Reno, 1664 N. Virginia Street, System Computing Service Bldg Room 47, Reno, Nevada which was also available to any public member who wished to observe or participate. President Ellwood called for a roll call. All members were present at roll call except Randy Reinoso. Mr. Reinoso joined the meeting at 9:23 a.m. President Ellwood noted that the meeting had been noticed properly and that the four members present constituted a quorum for the purposes of the Board meeting.

Members Present

Amy Ellwood, LCSW President in Las Vegas
Gil Johnstone, LASW Vice-President in Reno
Ann Coleman, LASW, Secretary-Treasurer in Las Vegas
Randy Reinoso, LSW Member in Las Vegas (After 9:23 a.m.)
Anne Rhu, Public Member in Las Vegas

Staff Present

Rob Bony, Deputy Attorney General in Reno
Rosalind Tuana, Executive Director in Reno

Others Present

Larry Ashley, Ed.S., LADC, Las Vegas
Betsy Hall, LCSW, Reno

Consent Agenda

A. Licensure/Internship Applications

1. Ratification of Approved License Applications (Attachment 1)
2. Ratification of Denied License Applications (Attachment 1)
3. Ratification of Approval of Internship Applications (Attachment 1)
4. Ratification of Denied Internship Applications (Attachment 1)

B. Continuing Education

1. Ratification of Approved Continuing Education Programs
2. Ratification of Denied Continuing Education Programs

ACTION: A motion was made by Ann Coleman and seconded by Anne Rhu to approve the consent agenda as presented. Motion PASSED unanimously. Randy Reinoso was not present for the vote

Disciplinary Matters

Consideration and Discussion, and Action of Consent Decrees

Tonga Tupou, LSW 2034-S Cases G03-07 Rob Bony, Counsel to the Board in this matter noted that Ms. Topou was not present but had been properly noticed. Her license has expired at this time and she is not currently practicing in Nevada. Gil Johnstone indicated that she knew Ms. Tupou in a professional capacity; however, they were not friends and did not socialize at all. She stated that she could be fair and impartial in this matter. Mr. Bony presented the consent decree to the Board.

The decree stipulated to the following violations:

1. A violation of NRS 641B.200(11) which states that licensee shall base his practice upon recognized knowledge relevant to social work and
2. A violation of NRS 641B.205(1) which states that a licensee shall serve with professional skill and competence.
3. The foregoing facts constitute grounds for initiating disciplinary action pursuant to NRS 641B.400.

The stipulated adjudication is as follows:

1. The Board will impose four (4) year suspension of Tupou's expired license. Respondent agrees to comply with the following conditions:
 - A. Tupou agrees not to apply to reinstate or restore her license or to apply to for a new license to practice social work for four (4) years from the effective date of this Consent Decree. This four (4) year time period shall begin upon execution of this Consent Decree by the presiding member of the Board
 - B. If Tupou decides to apply to reinstate or restore her license or to apply for a new license to practice social work during this four year (4) period, Tupou agrees that she will:
 1. Meet all licensing requirements in effect at the time she applies to reinstate or restore her license or applies for a new license to practice social work. This will include, but is not limited to, successfully passing any test or tests that are required of all applicants.
 2. Provide proof to the Board from a Board approved forensic psychiatrist or forensic psychologist that she is fit to act as a social worker.
 3. Be prohibited from acting as a social worker for children ages 10 and under. Should Tupou wish to act as a social worker for children ages 10 and under, she agrees to provide satisfactory proof to the Board from a Board approved forensic psychiatrist or forensic psychologist that she is fit to act as a social worker for children ages 10 and under.
 - C. Tupou agrees that she will be financially responsible for all requirements of the consent decree, including the cost of the Board approved forensic psychiatric evaluation and any reasonable financial assessments by the Board for the cost of monitoring here compliance or carrying out the provisions of this Consent Decree.

President Ellwood expressed concern that this licensee probably should not be working with the elderly or disabled based on the information that was presented in the consent decree. After further discussion on the consent decree, a motion was made by Anne Rhu and seconded by Gil Johnstone to accept the consent decree as presented with the understanding that if the licensee reapplies that she will need to provide satisfactory proof to the Board that she is fit to practice with the elderly and disabled. Motion passed unanimously. Randy Reinoso was not present for the vote

Recommendation to Dismiss Cases G02-15; G03-03; G03-04; G03-06; G03-09; G03-10; G03-12; G03-19; G04-06; G04-11; G04-12; G04-13; G05-01
RECOMENDATION TO DISMISS CASES

Recommendation to dismiss Case G02-15

The Executive Director recommended the Board dismiss case G02-15 because there was insufficient evidence of violations of NRS 641B or NAC 641B. Ray Kendall consulted on this file and concurred with the recommendation. A motion was made by Gil Johnstone and seconded by Anne Rhu to dismiss case G02-15 because there was insufficient evidence of a violation of NRS 641B or NAC 641B. Motion passed unanimously. Randy Reinoso was not present for the vote

Recommendation to dismiss Case G03-03, G03-09, G03-10

The Executive Director recommended the Board dismiss cases G03-03, G03-09 and G03-10 because there was insufficient evidence of violations of NRS 641B or NAC 641B. The three cases were part of one accusation filed against three different social workers. Ray Kendall consulted on this file and concurred with the recommendation. A motion was made by Gil Johnstone and seconded by Ann Coleman to dismiss case G03-03, G03-09 and G03-10 because there was insufficient evidence of a violation of NRS 641B or NAC 641B. Motion passed unanimously. Randy Reinoso was not present for the vote.

Randy Reinoso entered the meeting at 9:23 a.m.

Recommendation to dismiss Case G03-04

The Executive Director recommended the Board dismiss case G03-04 because there was insufficient evidence of violations of NRS 641B or NAC 641B. Ray Kendall consulted on this file and concurred with the recommendation. A motion was made by Gil Johnstone and seconded by Ann Coleman to dismiss case G03-06 because there was insufficient evidence of a violation of NRS 641B or NAC 641B. Motion passed unanimously.

Recommendation to dismiss Case G03-06

The Executive Director requested that this case be withdrawn from consideration for dismissal.

Recommendation to dismiss Case G03-12

The Executive Director recommended the Board dismiss case G03-12 because there was insufficient evidence of violations of NRS 641B or NAC 641B. Ray Kendall consulted on this file and concurred with the recommendation. A motion was made by Gil Johnstone and seconded by Anne Rhu to dismiss case G03-12 because there was insufficient evidence of a violation of NRS 641B or NAC 641B. Motion passed unanimously.

Recommendation to dismiss Case G03-19

The Executive Director recommended the Board dismiss case G03-19 because there was insufficient evidence of violations of NRS 641B or NAC 641B. Ann Coleman consulted on this file and concurred with the recommendation. A motion was made by Gil Johnstone and seconded by Randy Reinoso to dismiss case G03-19 because there was insufficient evidence of a violation of NRS 641B or NAC 641B. Motion passed unanimously. Ann Coleman was recused from the vote.

Recommendation to dismiss Case G04-06

The Executive Director recommended the Board dismiss case G04-06 because there was insufficient evidence of violations of NRS 641B or NAC 641B. Ray Kendall consulted on this file and concurred with the recommendation. A motion was made by Ann Coleman and seconded by Ann Rhu to dismiss case G04-06 because there was insufficient evidence of a violation of NRS 641B or NAC 641B. Motion passed unanimously.

Recommendation to dismiss Case G04-11

The Executive Director recommended the Board dismiss case G04-11 because there was insufficient evidence of violations of NRS 641B or NAC 641B. Ray Kendall consulted on this file and concurred with the recommendation. A motion was made by Anne Rhu and seconded by Ann Coleman to dismiss case G04-11 because there was insufficient evidence of a violation of NRS 641B or NAC 641B. Motion passed unanimously.

Recommendation to dismiss Case G04-12

The Executive Director recommended the Board dismiss case G04-12 because there was insufficient evidence of violations of NRS 641B or NAC 641B. Ray Kendall consulted on this file and concurred with the recommendation. A motion was made by Gil Johnstone and seconded by Anne Rhu to dismiss case G04-12 because there was insufficient evidence of a violation of NRS 641B or NAC 641B. Motion passed unanimously.

Recommendation to dismiss Case G04-13

The Executive Director recommended the Board dismiss case G04-13 because there was insufficient evidence of violations of NRS 641B or NAC 641B. Ray Kendall consulted on this file and concurred with the recommendation.

A motion was made by Randy Reinoso and seconded by Ann Coleman to dismiss case G04-13 because there was insufficient evidence of a violation of NRS 641B or NAC 641B. Motion passed unanimously.

Recommendation to dismiss Case G05-01

Rob Bony recommended the Board dismiss case G05-01 because there was insufficient evidence of violations of NRS 641B or NAC 641B. Ray Kendall consulted on this file and concurred with the recommendation. A motion was made by Anne Rhu and seconded by Ann Coleman to dismiss case G05-01 because there was insufficient evidence of a violation of NRS 641B or NAC 641B. Motion passed unanimously.

Disciplinary Report

The Executive Director reviewed the disciplinary report with the Board. She noted that there are only 21 cases on left on list after the actions taken today on the disciplinary cases have been removed. She noted the Rob Bony is working on at least two consent decrees and at least 5 other cases have been identified for possible dismissal. It appears that after the next meeting the Board will about 15 cases left for some form of action.

Legislative and Regulation Issues

Request by Larry Ashley, Ed.S., LADC to review and discuss SB 182 (BDR 54-03 authorizing certain licensed alcohol and drug abuse counselors to engage in mental health counseling

Larry Ashley appeared before the Board as a courtesy to discuss SB 182 which will authorize certain licensed alcohol and drug abuse counselors who hold masters or doctoral degrees in health related fields to engage in mental health model. He indicated that an integrated model for treating addictions is important. He stated that these licensees would have at a minimum the same qualifications as a clinical social worker or marriage and family therapist. The Executive Director recommended an amendment to the bill that would require an examination prescribed by the Board.

Discussion and Update on bills of interest to the Board including SB163

The Executive Director indicated that she had attended a Senate Commerce and Labor hearing on SB 163, a bill that would make various changes to the occupational boards, that was sponsored by Senator Maggie Carlton. She attended this hearing because she was concerned about a provision in the bill that would not allow board to grant a provisional license or any license to an applicant who background check results had not been received. The Executive Director indicated that she did not testify because Senator Carlton indicated that she was not happy with how this portion of the bill had been drafted and planned on rewriting that portion. The remainder of the bill appeared to be housekeeping items such as requiring all applicants to provide their social security numbers and prohibiting Boards from holding certain meetings out of state. The Board already has policies in place that are similar. The Executive Director noted that the session is in its second month and very few bills have actually been introduced. There are over 1300 bill draft requests but few bills on the floor. She anticipates that the next few weeks will be very busy at the legislature because some mandatory deadlines are fast approaching.

Discussion of current regulations and decision whether the Board will be considering revisions to Chapter 641B of the Nevada Administrative Code in the next fiscal year

The Executive Director reported that this item was on the agenda because the Board normally reviews its regulations during even years and holds workshops after the end of the legislative session. President Ellwood indicated that she would like the Board to reconsider the continuing education regulations particularly those that have to do with distance learning. Randy Reinoso indicated that he agreed the regulations in this area need to be reviewed. It was determined by the Board that this area seemed to be the most important for reconsideration. The Executive Director noted that there may also be legislation that would require additional regulations. President Ellwood reaffirmed that Gil Johnstone would be the Board member that would work with the office staff to take the recommendations from the Board members and return to the Board meetings with areas of the regulations that should be reconsidered. She directed the Board members to submit their recommendation to the Board office by April 22 so that they can be placed on the May agenda.

Policy Issues

Review, amend, approve, deny or table the letter to be used in response to requests by licensees to verify in writing ability to do alcohol drug and gambling practice

The Executive Director requested that this item be withdrawn from the agenda.

Review, amend, approve, deny or table the request of a licensee to establish a policy confirming the ability of social workers to take physician order's within the scope of a social worker's practice

After a brief discussion, the Board determined it would table this matter since it appeared to address one specialty only.

Continuing Education

Requests for Re-evaluation of denials

Dementia-Issues in Treatment and Symptom Management (on-line) I105-01 and *Clinical Aspects of Case Management* (on line) I105-02

Betty Hall, LCSW appeared in support of her request for reevaluation of courses I105-01 and I105-02. She indicated that the course were particularly relevant to her practice and to many social workers' practices. She noted that while the course was not interactive, it had been approved by the ASWB-ACE program which was accepted by 32 other states. She reported that she had read four lengthy articles and took a test before she could receive her certificate. President Ellwood indicated that she understood Ms. Hall concerns; however, the regulations are very clear that the Board may not approve a distance learning course that is not interactive. The Board cannot ignore or override the regulations in place. She noted that the Board, earlier in the meeting, had decided to revisit the continuing education regulations particularly in the area of distance learning. She encouraged Ms. Hall to participate in those workshops.

A motion was made by Gil Johnstone and seconded by Anne Rhu to uphold the Board's decision to deny the courses *Dementia-Issues in Treatment and Symptom Management* and *Clinical Aspects of Case Management*. Motion passed unanimously.

Climb to the Summit of Successful Adolescent Group Therapy (home study) I104-24

The Board reviewed the request to reconsider their denial of the continuing education course *Climb to the Summit of Successful Adolescent Group Therapy*, I104-24. After review of the additional material submitted and discussion, a motion was made by Randy Reinoso and seconded by Gil Johnstone to uphold the decision of the Board. Motion passed unanimously.

Living Your Highest Vision I904-09

The Board reviewed the request to reconsider their denial of the continuing education course *Living Your Highest Vision*, I904-09. After review of the additional material submitted and discussion, a motion was made by Anne Rhu and seconded by Randy Reinoso to uphold the decision of the Board. Motion passed unanimously.

AARP National Conference I1204-03

The Board reviewed the request to reconsider their denial of the continuing education course *AARP National Conference*, I1204-03. After review of the additional material submitted and discussion, a motion was made by Randy Reinoso and seconded by Anne Rhu to uphold the decision of the Board. Motion passed unanimously.

Review, Discussion and Decision to approve, deny or table a proposal by the Nevada Geriatric Education Center for a time-limited, interactive, and independently verified video-DVD course

The Board reviewed the proposal from the Nevada Geriatric Education Center (Center) for them to start some interactive courses using videos or DVD made from workshops they provide. President Ellwood indicated that the proposal was very well presented and appeared to address the current regulations. After further discussion, a motion was made by Anne Rhu and seconded by Anne Coleman to approve the proposal and to allow continuing education credit for these interactive courses. Motion passed unanimously.

Presiding Officer's Report

President Ellwood noted that Rob Bony has been doing a great job for the Board. She would like the Board to express their thanks to him for his hard work at the meetings and the decrease in disciplinary matters. The other Board members agreed. President Ellwood recommended that a letter about Rob Bony's exceptional work with the Board be sent to the Attorney General's Office. She directed the Executive Director to place this as an item on the next agenda.

Deputy Attorney General Report

Rob Bony thanked the Board for their kind words. He noted that he enjoyed working with this Board because everyone is so committed and professional. He reminded every that he has an open door policy. If any Board member has a question or concern, they may call him at any time.

Board Operations

Approval of Minutes: September 10, 2004 and January 14, 2005

A motion was made by Anne Coleman and seconded by Anne Rhu to approve the Board meeting minutes for the September 10, 2004 as presented. Motion passed unanimously.

The minutes for the January 14, 2005 were tabled because some Board members in the South had not received the final draft of the minutes.

Financial Report

Approval of YTD 2004/2005 Financial Report

A motion was made by Randy Reinoso and seconded by Gil Johnstone to Approve the YTD Financial Report as presented. Motion passed unanimously.

Executive Director's Report

Update on Fingerprinting

The Executive Director noted that the Board still has not received the Federal account number that would allow the Board to start fingerprinting. She has submitted two requests to the Nevada Highway Patrol (NHP), one in December and one in January. Just this week, she received a telephone voice mail that the application had been

sent to the Federal government. Apparently, NHP has had a major turnover in staff which initially caused a lot of confusion. The Executive Director indicated that it appears they will receive the account number shortly. She anticipates the Board will begin fingerprinting applicants as of July 1, 2005.

Matters related to the office management

The Executive Director indicated that she had limited report this meeting. The office is running smoothly. A retirement party for the employee that retired was held on last week. The employee was a long-time employee and her knowledge of the history of the Board will be missed.

Personnel Matters – Discuss and approve, deny or table the appointment of a Board member to act as Board liaison for personnel matter including final review of the office staff evaluations (excluding the Executive Director Gil Johnstone ability

The Executive Director noted that at the last meeting she had requested that this item be placed on the agenda. It is routine for most Board to have a Board member that deals with personnel matters. By having a Board member assigned to review the staff evaluations and personnel matters, the Board will not have to deal with them at the meetings. The Board will approve the actions of the Board liaison at the Board meeting. The Executive Director's evaluation will still be reviewed by the complete Board. After further discussion, a motion was made by Anne Rhu and seconded by Ann Coleman to designate Gil Johnstone as the Board personnel liaison. Motion passed unanimously.

Public Comment

There was no additional public comment.

Adjournment

ACTION: A motion was made by Anne Coleman and seconded by Gil Johnstone to adjourn the meeting at 11.31 a.m. Motion passed unanimously. The next meeting will be on is scheduled for May 13, 2005.

Respectfully prepared by

Rosalind Tuana
Executive Director